

Rel: October 4, 2019

Notice: This opinion is subject to formal revision before publication in the advance sheets of Southern Reporter. Readers are requested to notify the **Reporter of Decisions**, Alabama Appellate Courts, 300 Dexter Avenue, Montgomery, Alabama 36104-3741 ((334) 229-0649), of any typographical or other errors, in order that corrections may be made before the opinion is printed in Southern Reporter.

ALABAMA COURT OF CIVIL APPEALS

SPECIAL TERM, 2019

2180304

Ieisha Smith

v.

Renter's Realty

Appeal from Madison Circuit Court
(CV-18-69)

On Return to Remand

PER CURIAM.

The Madison Circuit Court ("the circuit court") has complied with this court's remand instructions. See Smith v. Renter's Realty, [Ms. 2180304, July 12, 2019] ___ So. 3d ___,

2180304

___ (Ala. Civ. App. 2019). On July 25, 2019, the attorney general's office filed an "acceptance and waiver," accepting service and waiving the right to be heard in this matter. After a hearing, the trial court entered a judgment on August 12, 2019, dismissing the garnishment and declaring § 6-10-6.1, Ala. Code 1975, unconstitutional. The circuit court determined that the statute "represents an unconstitutional overreach by the legislature and a violation of the separation of powers principles."

On August 20, 2019, this court entered an order reinvesting the circuit court with jurisdiction for the purpose of entertaining any postjudgment motions the parties might have wished to file directed to the August 12, 2019, judgment. The State Judicial Information System indicates that neither party filed a postjudgment motion. Thus, jurisdiction over this matter has returned to this court.

"Only adverse rulings by the trial court are reviewable on appeal. McCulloch v. Roberts, 290 Ala. 303, 276 So. 2d 425 (1973).' Lewis v. Providence Hosp., 483 So. 2d 398, 398 (Ala. 1986)." Ramer v. Ramer, [Ms. 2171021, May 3, 2019] ___ So. 3d ___, ___ (Ala. Civ. App. 2019). Because Ieisha Smith, the

2180304

party challenging the constitutionality of § 6-10-6.1, has ultimately prevailed in this matter, there is no adverse ruling from which she can appeal. Accordingly, this appeal must be dismissed. Lewis v. Providence Hosp., 483 So. 2d 398, 398 (Ala. 1986).

APPEAL DISMISSED.

Thompson, P.J., and Moore, Donaldson, Edwards, and Hanson, JJ., concur.